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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/696,421	10/28/2003	David J. Napolitano	2002P03647US01	7330	
28524 SIEMENS CO	7590 11/29/200° R POR A TION	7	EXAM	INER	
INTELLECTU	AL PROPERTY DEPA	ARTMENT	JAWORSKI, FRANCIS J		
	170 WOOD AVENUE SOUTH ISELIN, NJ 08830			PAPER NUMBER	
,			3768		
			MAIL DATE	DELIVERY MODE	
			11/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)	
3		10/696,421	NAPOLITANO ET AL.	
	Office Action Summary	Examiner	Art Unit	
		Jaworski Francis J.	3768	
Period fo	The MAILING DATE of this communication ap	pears on the cover sheet wit	th the correspondence address	
A SHOWHIC - Exter - after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR REPLEHEVER IS LONGER, FROM THE MAILING DISTRICT IN THE MAILING DISTRICT DIST	PATE OF THIS COMMUNIC 136(a). In no event, however, may a re will apply and will expire SIX (6) MON e, cause the application to become AB,	CATION.  eply be timely filed  THS from the mailing date of this communication.  ANDONED (35 U.S.C. § 133).	
Status	(-)			
1)[	Responsive to communication(s) filed on 17 N	lovember 2007.		
·	This action is <b>FINAL</b> . 2b) This action is non-final.			
3)	Since this application is in condition for allowa	ince except for formal matte	ers, prosecution as to the merits is	
	closed in accordance with the practice under	Ex parte Quayle, 1935 C.D.	. 11, 453 O.G. 213.	
Dispositi	on of Claims			
5)□ 6)⊠ 7)⊠	Claim(s) 167 - 194 is/are pending in the application of the above claim(s) is/are withdraclaim(s) is/are allowed.  Claim(s) 167- 178, 180, 182 - 184, 186 - 191, Claim(s) 179, 181, 185 and 192 is/are objecte Claim(s) are subject to restriction and/or	wn from consideration.  193 - 194 is/are rejected. d to.		
Applicati	on Papers			
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Example 2.	cepted or b) objected to be drawing(s) be held in abeyand tion is required if the drawing(	ce. See 37 CFR 1.85(a). s) is objected to. See 37 CFR 1.121(d).	
Priority u	ınder 35 U.S.C. § 119			
a)[	Acknowledgment is made of a claim for foreign All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureasee the attached detailed Office action for a list	ts have been received. ts have been received in Apority documents have been u (PCT Rule 17.2(a)).	pplication No received in this National Stage	
Attachmen	t(s)			
2)	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	Paper No(s	ummary (PTO-413) )/Mail Date formal Patent Application 	

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## **DETAILED ACTION**

[ Claims 167 – 194 are yet present for examination in this case, claims 1 – 166 having been cancelled by the preliminary amendment filed on October 28, 2003.]

Claims 167 – 174, 177 – 178, 182-184, 186 - 188, 190-191 and 193 - 194 are again rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims variously of U.S. Patent No. 6193663. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent claims more narrowly that the spatially distinct (two or more) transmit beams associate with a fundamental and whose transmit waveforms differ by a phase difference and the combining is a claimed coherent summing in the patent claims to form a composite in relate to the fundamental and harmonics of the transmit and with the phase difference applied across the succession of transmit directions and where the receive beams are in one alternative spatially aligned with the transmit beams, and where the 180 degree phase difference is tantamount to a phase inversion and polarity reversal for the carrier wave and the imaging would be understood to be of a B-mode.

Claims 167 – 178, 180, 182 - 184, 186 - 191, and 193 - 194 are again rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims variously of U.S. Patent No. 6436046. Although the conflicting claims are not identical, they are not patentably distinct from each other because the latter patent is similarly characterizable as of narrower scope while embracing phase or polarity inversion and the claimed waveform parameterization controls except for features.

## Allowable Subject Matter

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Claims 179, 181, 185 and 192 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims insofar as the existing patent' claims do not extend to claiming of pulse amplitude modulation, harmonic seed, transmit gain or Doppler features.

## Response to Arguments

The rejection regarding Hwang /Hwang et al has been withdrawn pursuant to arguments presented in the response along with the clarifying amendatory claim language.

The provisional obviousness rejection has been withdrawn as having been an error of haste which carried forward. Likewise the ODP rejection extending to previously cancelled claim 166. Better too many rejections than too few, from an examining point of view!

Applicants intention to file a Terminal Disclaimer stated per amendment 11/8/07 page 7 is noted and such is now due since the case is otherwise deemed allowable. The previous TD submission made 1/23/07 had been disapproved since the signing attorney was not of record.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jaworski

Francis J. at telephone number 571-272-4738.

FJJ:fji

11/25/07

Primary Examiner